

MAZZOLA LINDSTROM LLP

Richard E. Lerner
richard@mazzolalindstrom.com

T: 646.813.4345
M: 917.584.4864

August 26, 2021

Via ECF

Hon. Magistrate Debra C. Freeman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Athena Art Finance Corp. v. Certain Artwork by Jean-Michel Basquiat entitled Humidity, 1982, In Rem*, Docket No. 20-cv-04669

Request to Enter Proposed Amended Case Management Order

Dear Magistrate Freeman:

We represent plaintiff Athena Art Finance Corp. in this *in rem* action against that Certain Artwork by Jean-Michel Basquiat entitled Humidity, 1982. We write jointly on behalf of our client, as well as intervenor plaintiffs Satfinance Investment Ltd. and Delahunty Ltd. to request that the court extend the discovery schedule pursuant to the attached proposed civil case management plan and scheduling order.

The modification of the order is requested because the parties have been working through documentary discovery, and attempting to resolve discovery issues without the involvement of the court. We expect this to only take about another two weeks.

Additionally, as the attorneys and parties to this action all focus in the art world, and shall be attending live art fairs that will be taking place in the coming six weeks or so (assuming the Delta variant doesn't cause their cancellation), and as several of the attorneys will be observing the Jewish High Holy Days, it has become impossible to schedule depositions during September.

Accordingly, the parties jointly request that the proposed scheduling order be so-ordered, and we thank the court for its consideration.

Respectfully submitted,
/s/ Richard E. Lerner
Richard E. Lerner

Attached: Amended scheduling
stipulation (proposed)

cc: (via ECF)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

ATHENA ART FINANCE CORP.,

Plaintiff,

Case No. 20-cv-4669 (GBD) (DCF)

-against-

that

CERTAIN ARTWORK BY JEAN-MICHEL
BASQUIAT ENTITLED HUMIDITY, 1982,
In Rem,

**[PROPOSED] Amended
Civil Case Management
Plan and Scheduling Order**

Defendant,

SATFINANCE INVESTMENT LIMITED and
DELAHUNTY LIMITED d/b/a
DELAHUNTY FINE ART,

Interested Parties.

-----X

After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure:

Event	Current Date	New Date
Document discovery deadline	8/27/2021	9/24/2021
Party depositions deadline	9/24/2021	11/12/2021
Non-party deposition subpoenas deadline	8/20/2021	10/22/2021
Fact discovery deadline		11/12/2021
Expert reports	8/27/2021	12/17/2021
Rebuttal reports	9/23/2021	1/21/2022
Expert discovery deadline	10/25/2021	2/25/2022
Dispositive motions due (if filed)	11/15/2021	4/8/2022
JPTO due (if no dispositive motions are filed)	11/15/2021	4/14/2022

1. No additional parties may be joined after **November 19, 2021**.
2. No amendment to the pleadings will be permitted after **November 19, 2021**.
3. If dispositive motions are served, answering papers are to be served within 28 days. Reply papers are to be served within 14 days.
7. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be set by the Court, but no earlier than three weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four weeks from the decision on the motion. Should no party submit a dispositive motion, the Joint Pretrial Order will be filed no later than **April 14, 2022**, and a final pretrial conference will be held on _____, 2022.
8. The requirements for the pretrial order and other pretrial submissions shall be governed by the court's Individual Rules of Practice.
9. All motions and applications shall be governed by the court's Individual Rules of Practice.
10. The parties shall be ready for trial within 48 hours, notice on or after _____, 2022. The estimated trial time is 3-4 days, and this is a jury trial.

Dated: August 26, 2021
New York, New York

ATHENA ART FINANCE CORP.

/s/ Richard E. Lerner
Richard E. Lerner
MAZZOLA LINDSTROM LLP
1350 Avenue of the Americas, 2nd Floor
New York, New York 10019
917.584.4864
richard@mazzolalindstrom.com

SATFINANCE INVESTMENT LIMITED

/s/ Lindsay Hogan
Judd B. Grossman
Lindsay Hogan
GROSSMAN LLP
745 Fifth Avenue, 5th Floor
New York, NY 10151
T: 646-770-7445
jgrossman@grossmanllp.com

DELAHUNTY FINE ART LTD.

/s/ Emily A. Weissler
Gregory A. Clarick
Emily A. Weissler
Clarick Gueron Reisbaum LLP
220 Fifth Avenue
New York, NY 10001
212-633-4313
gclarick@cgr-law.com

So Ordered:

Hon. Magistrate Debra C. Freeman